should not obscure the need for analysis in the future. In a similar vein, I opposed draft proposals which would have established across the board prohibitions on conducting work in-house if the tasks were not inherently governmental. While Federal employees certainly should conduct inherently governmental work, it may also make sense in some cases for them to do work that the Office of Federal Procurement Policy has deemed ''closely associated with inherently governmental,'' or other functions. For example, when I was Chairman of Fairfax County, our vehicle maintenance were county employees who did outstanding work. There was nothing inherently governmental about oil changes, but Fairfax got the best deal with county employees. We should not preclude analogous arrangements from the Federal Government any more than we should preclude outsourcing vehicle maintenance. In addition to the Committee's thoughtful approach to insourcing and outsourcing, I greatly appreciate your support for other steps to improve the acquisition environment through improved Federal efficiency. These reforms include adoption of the Federal Acquisition Institute Amendment that Mr. PLATTS and I introduced as well as Mr. LANGEVIN's amendment to rationalize the responsibilities of the Chief Technology Officer and other executive branch officials with technology policy portfolios. This National Defense Authorization Act represents significant progress for our procurement and technology communities, including both Federal employees and Federal contractors. Thank you for you and your staffs outstanding work on these important issues for our economy and the Federal Government.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, this will be the first time that I have voted against a Defense Authorization Act and I do so with great reluctance. But I also do so with confidence that it is the right decision.

Section 1034 of this bill gives this President and all future Presidents vastly expanded authority to take America to war without further congressional action. It gives the Executive a virtual blank check by authorizing the President to deploy an unlimited number of troops into a war of unlimited duration based on ill-defined standards. The language in 1034 represents a total abdication of congressional responsibility under the Constitution.

The President already has broad authority to use military force against al Qaeda and Taliban forces pursuant to the Authorization of the Use of Military Force (AUMF) that was adopted in 2001. That provision states:

That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

This bill replaces the existing AUMF with a new provision that provides the President with vast new war-making authority. Under the umbrella of the war against terrorism, it expands the existing broad authority in at least three ways:

DE-LINKS USE OF FORCE FROM 9/11 ATTACKS

The original language gave the President the authority to use military force against any entities he determined to be connected to the attacks of September 11, 2001 or any nation, organization or persons he determined harbored such entities. The new language expands the authority to target entities regardless of their connection to the September 11 attacks.

PERMITS ATTACKS ON UNDEFINED ''ASSOCIATED FORCES''

The original language authorized all necessary force against the entities responsible for the 9/11 attacks, but did not provide the authority to wage war against undetermined ''associated forces.'' The term ''associated forces'' is totally undefined and would allow any President to apply that term with great elasticity to go to war without congressional approval in any number of situations.

ALLOWS USE OF FORCE AGAINST ENTITIES THAT ''SUPPORT'' THE TALIBAN, AL QAEDA OR ''ASSOCIATED FORCES''

The original language allowed the use of force against entities that ''harbored'' the terrorist groups that perpetuated the attacks of 9/11. The new language allows the President to wage war, without additional congressional consent, against any entities that substantially support the Taliban, al Qaeda or ''associated forces.'' This is a much weaker standard than the existing requirement.

Had the Congress included this language in the 2001 AUMF, President Bush could have sent American troops into Iraq without seeking a separate resolution to use force. This language authorizes the Executive to launch military action against an entity that had nothing to do with the attacks of September 11, 2001 so long as the President determines that a country or organization is substantially supporting the Taliban, al Qaeda or ''associated forces.'' The Bush administration claimed that the regime of Saddam Hussein was allowing Iraqi territory to be used to train al Qaeda elements.

While I believe the Congress made a mistake in voting to authorize President Bush to go to war in Iraq, at least Congress debated and voted on the decision. With this new provision in place, no such vote would have been required.

Under the Constitution, the President of the United States already has relatively broad powers to use military force as Commander in Chief. In addition, the existing Authorization of the Use of Military Force provides the President with additional authority to take military action in a wide array of situations without seeking additional congressional approval or a declaration of war. It is a reckless surrender of congressional responsibility for the Congress to write this new open-ended blank check for the use of military force. Not even the Executive has been brazen enough to request this new broad grant of authority.

The language in Section 1034 is sloppy, ill-considered and poorly conceived. No hearings were held to consider its full ramifications. This Congress should be ashamed of itself for its careless and cavalier approach to a question of such grave national significance.

I urge the Senate and the President to reject this provision and hope to have an opportunity to vote for a revised Defense Authorization Act that doesn't undermine the constitutional responsibilities of the Congress.

NATIONAL DEFENSE AUTHORIZATION, ACT FOR FISCAL YEAR 2012

SPEECH OF

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 24, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. INSLEE. Mr. Chair, I rise today to express my concern over a provision in the National Defense Authorization Act of 2012 that would limit the access of certain military retirees to the TRICARE Uniformed Services Family Health Plan (USFHP).

As you know, USFHP has been an extremely popular program within the Military Health System since its introduction in 1981, serving more than 115,000 active duty service members, veterans, and their families 16 states, including more than 11,000 in Washington state. USFHP consistently earns a 90 percent satisfaction rating among its enrollees—by far the highest among military beneficiary programs. In addition to its success and popularity, this program plays an integral component in the Department of Defense (DoD) meeting its commitment to provide health care to those who have served our country in uniform.

The provision included in this year's Defense Authorization bill would terminate health care services under the plan when beneficiaries reach the age of 65 and become eligible to transfer to Medicare. Over one third of all USFHP beneficiaries are currently over 65 and are taking advantage of the USFHP managed care structure. Removing them from the program could undermine the highly effective disease management and prevention aspects of the USFHP, not to mention potentially ending longstanding patient-doctor relationships due to the change in coverage.

USFHP is a fully capitated program, providing quality and efficient care to beneficiaries. Even recently, Congress highlighted the effectiveness of USFHP in the 111th DoD authorization bill, while directing DoD to examine opportunities to improve the broader TRICARE Program. Additionally last year the Director of TRICARE Management engaged USFHP to assist in educating the rest of the DoD system about their highly successful prevention and disease management programs.